

The Greene Township Board of Supervisors held a Public Hearing and Regular Meeting on Tuesday, December 8, 2020 at the Greene Township Municipal Building, 1145 Garver Lane, Chambersburg, PA 17202. (Note: Due to COVID-19, all persons maintained an additional distance during this meeting.)

Present:

Todd E. Burns
Shawn M. Corwell
Daniel Bachman

Gregory Lambert
Lindsay Loney
Kurt Williams

Absent:

Travis L. Brookens

Visitors: See list

The Chairman called the meeting to order at 7:00 p.m. He welcomed everyone, noted that copies of the agenda are available at the entrance, and asked visitors to complete the sign in sheet. He informed everyone that there are two Public Hearings to be held this evening, and asked everyone to please state their name before speaking. He also informed everyone that the meeting would be recorded for accuracy purposes.

The Chairman noted that the next item on the agenda is the continuation of a Public Hearing held November 24th regarding a Conditional Use Application submitted by HR Recycling, LLC. The Chairman informed the Board that since the meeting on November 24th, the Township received a letter of withdrawal for the application. The operations of the business have changed, and a Conditional Use is no longer required; the business now falls under warehousing and distribution rather than a recycling center. Therefore a Conditional Use Permit is not required, and the application is withdrawn. The Solicitor noted that there is no need to hold a Public Hearing.

At 7:02 p.m., the Chairman opened the continuation of the Public Hearing held November 10th regarding the Township's updated Noise Ordinance 2020-2. The Solicitor noted that the update made to the Ordinance was to section 46-2.D. The updated wording reads: "It shall be necessary to establish that any single noise disturbance occurrence has lasted more than ten (10) minutes, or repetitive noise disturbances total twenty (20) minutes within a one (1) hour time period, in order to find a violation of this section." The purpose of the rewording is to allow for any transient noise that may occur and be a disruption, but it goes away and does not continue for a period of time. If there are multiple occurrences within one hour, that would be considered a disturbance.

Ms. Karen Villalobos (Philadelphia Ave) stated that she would like to voice her concerns about the new roller skating rink across the street from her residence. She noted that they have turned it into a nightclub on Friday and Saturday nights. She has called them and asked them to turn their music down, and they responded that they are a business and can do what they want and if she doesn't like it they will turn it up louder. Ms. Villalobos stated that they don't have roller skating on Friday and Saturday nights; those nights it is over 21 years old only and BYOB until 2 or 3 in the morning. She also noted that a few weeks ago, the parking lot was so full that there were cars parked out to Philadelphia Avenue. Ms. Villalobos commented that she is present this evening because she is under the impression that the new ordinance will not apply to businesses, and she is concerned about that. The Zoning Officer (ZO) pointed out where section 46-2.C.(14) does state that any "lawfully existing or licensed business, commercial or industrial operation" is exempt. The ZO noted that to the best of his knowledge, the roller rink is a

lawfully existing business and is a permitted use in that zoning district (highway commercial). He further stated that a roller rink is not specifically stated in the permitted use and neither is a night club; every possible use is not specifically stated. The ZO stated that he would need more detail as to what is actually occurring to make a determination, and that will need to be looked into. The Chairman noted that the Township does have performance standards for any lawfully existing business; they can't just do whatever they want, when they want. Those standards would be outside of this ordinance, and this issue would most likely fall under that.

There being no further comments regarding the changes made to the Noise Ordinance, the Chairman closed the Public Hearing at 7:12 p.m.

The Chairman moved to the next item on the agenda – consideration of Greene Township Noise Ordinance 2020-2. Supervisor Corwell commented that he appreciates everyone's input and patience as the Board worked towards updating the Ordinance. The public and Township staff were all involved and he appreciates everyone's cooperation. The Chairman agreed and added that he believes this is how the best ordinances are written – by receiving input from the public and the staff. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to adopt Greene Township Noise Ordinance 2020-2, hereby appealing the former Ordinance. The Chairman noted that the new ordinance will not take effect until five days following adoption, per the Second Class Township Code.

The Minutes of the Public Hearing and Regular Meeting held November 24, 2020 shall stand approved as presented and become part of the official record.

The Chairman reported that two sealed bids were received for the purchase of a 2016 Freightliner Tandem Chassis and a 4,000 gallon water tank. The first bid is from Hunter Truck Sales, Smithfield PA. The bid is for a 2016 Freightliner with 36,000 miles, and the bid price is \$51,952. The second bid is from Curry Supply, Martinsburg PA and is for a 4,000 gallon water tank, mountable to the Freightliner Chassis. The total bid price is \$29,735. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the purchase of the 2016 Freightliner Tandem Chassis from Hunter Truck Sales after final inspection, in the amount of \$51,952. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the purchase of the 4,000 gallon water tank from Curry Supply after final inspection, in the amount of \$29,735.

Supervisor Corwell presented a lease agreement with Cottles Asphalt for the Byers Road property. Cottles Asphalt was awarded the PennDOT bid to resurface Scotland Main Street. They approached the Township because they were looking for a property to set a job trailer to store materials and equipment. Supervisor Corwell noted that the Solicitor reviewed the agreement and made a few changes. Cottles Asphalt approved of the changes and returned a signed agreement. The agreement is for two years at \$400 per month. If the lease goes beyond two years, the payment will increase to \$500 per month. Cottles Asphalt will pay all utilities. Following review and consideration, on a motion by Todd E. Burns, seconded by Shawn M. Corwell, and by a vote of 2-0, the Board unanimously voted to authorize the signing of the lease agreement with Cottles Asphalt with the understanding that the property is only to be used for the Scotland Main Street project and no other purpose.

The Zoning Officer (ZO) presented a request for waiver of Greene Township Code 85-51.A, Requirement to Construct Sidewalks, for the Cumberland Valley Tree Service Final Land Development Plan. The property is located on Philadelphia Avenue, and the plan consists of the construction of a

garage for the existing landscaping business. Pedestrian traffic is not expected, and there are no other sidewalks in the area. The request was submitted by James Maun, P.E. (William Brindle Associates, Inc.), on behalf of the business. The ZO noted that when the Board has granted these waivers in the past, it has done so with the requirement that a note be placed on the Plan that if the Board requires sidewalks in the future, construction will be the owner's responsibility. In addition, the Board has required that the Plan show the placement of the sidewalks, even though they are not being built at that time. The Engineer noted that the sidewalk waiver was granted for Sheetz a few years ago, in the same area. Following review and consideration, on a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to grant the request for waiver of Greene Township Code 85-51.A, Requirement to Construct Sidewalks, for the Cumberland Valley Tree Service Final Land Development Plan, with the condition that the location of the sidewalks be shown on the Plan and a note placed on the Plan that construction and construction costs will be the responsibility of the developer should the Board deem them necessary.

The ZO presented the Monthly Zoning Office Report for November 2020, a copy of which each Board Member received. There was one Zoning Hearing Board application received in November for James Renninger, 8126 / 8144 Lincoln Way East, Fayetteville. This is a single lot with two single family dwellings located approximately 18 feet apart. The applicant wishes to subdivide the lot and is requesting a variance of the side yard 25 feet setback requirement. The hearing is scheduled for December 15, 2020. No Conditional Use Permit applications were received. The ZO reported that 19 land use permits and 3 driveway permits were received during the month of November. The total zoning fees for the month were \$1,913.00. There are no subdivision or land development plans for review.

The Chairman opened the floor for public comment. Ms. Villalobos stated that she has photos of people at the roller skating rink with no roller skates on. She also stated that they are looking to hire four security guards, and they have DJs coming from out of town that play until 3 or 4 in the morning. It has gotten unbearable. The Chairman thanked her for bringing the issue to the Board's attention and asked that she submit any photos or other evidence to the ZO for his review.

The Solicitor reported that he received an order from the Judge handling the Jaindl appeal and the order stated that the appeals will be consolidated. He also briefly explained the appeal process to the Board.

On a motion by Shawn M. Corwell, seconded by Todd E. Burns, and by a vote of 2-0, the Board unanimously voted to authorize the payment of invoices as follows: check numbers 29136 through 29162 and three ACH transactions to be paid from the general fund, check numbers 3684 through 2686 to be paid from the liquid fuels fund and check number 2218 to be paid from the electric light fund.

There being no further business before the Board for this meeting, the Chairman adjourned at approximately 7:38 p.m.

Respectfully submitted,

Treasurer/Assistant Secretary